

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HOTEL EMPLOYEES AND RESTAURANT  
 EMPLOYEES INTERNATIONAL UNION  
 WELFARE FUND, *et al.*,

Plaintiffs,

vs.

KEPHART & CORTI PRODUCTIONS, INC.,  
*et al.*,

Defendants.

Case No. 2:09-cv-02043-GMN-PAL

**ORDER**

(Mot to Reconsider - Dkt. #57)

Before the court is Plaintiffs Motion to Reconsider Oral Motion to Show Cause (Dkt. #57). The court has considered the Motion, and Defendant Robert Kephart's Opposition (Dkt. #59).

Having reviewed and considered the moving and responsive papers and attached exhibits, the court is not satisfied that the judgment debtor was properly served with proper notice of the judgment debtor examination the court ordered, and the order scheduling the judgment debtor examination of Robert Kephart as the person most knowledgeable for the Comedy Stop, and order for production of documents.


The orders were served, according to Plaintiffs' Certificate of Service (Dkt. #56) by United States Mail to various individuals and parties. The law firm of Gordon & Silver was served by mail. Gordon & Silver made an appearance in this action and is still counsel of record. However, Gordon & Silver represent that the firm resigned as Kephart & Corti Production, Inc.'s resident agent as of February 23, 2011. Additionally, Eric Olson of Gordon & Silver sent Plaintiffs' counsel a letter on July 29, 2011, explaining: (1) that he had not appeared in this action and was not Mr. Kephart's counsel of record; (2) that Gordon & Silver had resigned as Kephart & Corti's resident agent months earlier; (3) that regular mail, especially to a post office box is ineffective for service on an order concerning a

1 judgment debtor examination; (4) that it was improper to attempt to have Mr. Kephart compelled to  
2 come to Nevada as he lived in New Jersey; and (5) that Plaintiffs could not unilaterally designate Mr.  
3 Kephart as Kephart & Corti's Rule 30(b)(6) designee, as the rule permits the corporation to designate  
4 its Rule 30(b)(6) designee.

5 Having reviewed and considered the matter,

6 **IT IS ORDERED** Plaintiffs' Motion to Reconsider Oral Motion to Show Cause (Dkt. #57) is  
7 **DENIED.**

8 Dated this 4<sup>th</sup> day of January, 2012.

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11 Peggy A. Green  
12 United States Magistrate Judge  
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